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July 15, 2020

Via ECF

Hon. Thomas A. McAvoy
United States District Judge
United States District Court—NDNY
James T. Foley Courthouse
Albany, N.Y. 12207

Re: Serenity Alpha LLC et. al. v. Northway Mining LLC, et al.
Case No.: 19-cv-00501

Dear Judge McAvoy:

Our firm represents defendants Michael Maranda, Northway Mining LLC, Michael Maranda LLC, and Hudson Data Center, Inc.

I write regarding the plaintiffs' *Renewed Emergency Motion to Reissue Writ of Replevin* filed yesterday (ECF Doc. #86). The motion is unaccompanied by a notice of motion or order to show cause as required by Local Rule 7.1 and, therefore, does not specify a return date or briefing schedule for the motion. I am writing to clarify that if and when the plaintiffs rectify that, we intend to respond formally to the motion. One of the key points in contention is the manner of undertaking required in N.Y. CPLR replevin proceedings, and particularly the requirements of NY CPLR Article 25. In addition, the plaintiffs' motion is based on a number of factual assertions that the defendants dispute, which we would address with appropriate declarations. We will await the plaintiffs' correction of the motion's procedural infirmity, but wanted to be clear that in the meantime our standing by should not be construed as agreement to the matters asserted in the plaintiffs' papers.

Sincerely,

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